

AMENDMENTS TO THE DRAWINGS:

The attached replacement sheets of drawings, including Figures 1 and 2, replace the previously submitted sheets of drawings including Figures 1 and 2. More specifically, Applicant has amended Figures 1 and 2. The replacement sheets have been clearly labeled "Replacement Sheet" in the page header.

Attachment: 2 Replacement Sheets of drawings including Figures 1 and 2

REMARKS

Claims 1-14 are pending in the application. Claim 1 has been amended. Claim 1 is in independent form.

Specification

Applicant has submitted a new abstract of the disclosure hereto directly following these Remarks. Applicant has also instructed the Examiner to cancel the previously submitted abstract of the disclosure.

The specification has been amended to clarify terminology set forth in the application as filed. Applicant attests that no new matter has been added thereto.

Drawings

The Examiner states that the "drawings are objected to because the bearing arrangement 80 (Fig. 1) is shown in a confusing manner. The bearing 80 appears having two parts but these two parts are not ascertain to what it is." In response, Applicant has made appropriate corrections to the specification and amended the drawings as set forth below. Applicant has attached 2 replacement sheets of drawings hereto directly following these Remarks. Each replacement sheet has been labeled "Replacement Sheet" in the page header as per 37 C.F.R. §1.121(d).

In amended Figure 1, reference characters "41" and "43" now identify the spaced apart tabs 41, 43 of the respective flat bearing surface 37, 38. Reference characters "67" and "68" have been added to identify the spaced apart tabs 67, 68 of the respective arcuate bearing surface 57, 59. The arrowhead has been deleted in one instance from the leader line of reference character "80" so it is now clear that reference character "80" identifies the plurality of cylindrical bearings 80. Reference character "87" has been added to identify the generally cylindrical protrusions 87. Additionally, the structure representing the plurality of cylindrical bearings 80 has been amended to more clearly illustrate a line of contact between each of the plurality of cylindrical bearings 80 and the flat bearing surfaces 37, 38, as set forth in paragraph

[0015] of the specification. Similarly, the structure representing the plurality of cylindrical bearings 80 has been amended to more clearly illustrate a point of contact between each of the plurality of cylindrical bearings 80 and the arcuate bearing surfaces 57, 59, as set forth in paragraph [0015] of the specification.

In amended Figure 2, reference character "16" has been added to identify the latch mechanism 16. Reference character "37" has been added to identify one of the bearing surfaces 37. Reference character "79" has been added to identify the plurality of apertures 79. Reference character "87" has been added to identify the generally cylindrical protrusions 87. Reference character "97" has been added to identify the plurality of openings 97. Reference characters "98" and "99" have been added to identify the plurality of recesses 98, 99.

The drawings are also objected to because "the cross sectional view of Figure 2 has not been properly identified where the respective section has been taken." In response, Applicant has added line 1-1 to indicate the plane upon which the sectional view in Figure 1 is taken.

Applicant respectfully suggests that the objections to the drawings are now moot.

Claim Objections

The Examiner has objected to claim 1 because "the floor of the vehicle" and "the seat" are drawn into the claim while the floor of the vehicle and the seat do not appear to be of the claimed invention. In response, Applicant has amended claim 1 to claim "an inner track adapted to be fixedly secured to the floor of the vehicle and having a flattened bearing surface extending longitudinally along said inner track" and "an outer track adapted to be fixedly secured to the seat and slidably coupled to said inner track to allow selective sliding adjustment of the seat relative to the floor of the vehicle, said outer track including an arcuate bearing surface extending longitudinally along said outer track and opposing said flattened bearing surface."

Applicant respectfully suggests that the objections to the claims are now moot.

Claim Rejections – 35 U.S.C. §103

Claims 1-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. 5,524,504 to Brandoli et al. ("the '504 reference") in view of U.S. Patent 5,286,076 to DeVoss et al. ("the '076 reference"). Applicant respectfully traverses the rejection.

The '076 reference discloses a retainer assembly 58 interposed between an upper track 16 and a lower track 14. The retainer assembly 58 includes a unitary retainer body 60 having a central recessed portion 62 and a pair of raised planar horizontal surfaces 64 adjacent to the recessed portion 62 which, in turn, are each joined to a down-turned portion 66. The raised planar surfaces 64 are interposed between a planar upper horizontal segment 46 of the upper track 16 and horizontal segments 34 of outwardly-bent flanges 30 on the lower track 14. The distal ends of the down-turned portions 66 are inwardly rolled-over to form generally cylindrical lips 68 each having a pair of longitudinally-spaced openings 70 formed therein within which ball bearings 72 are rotatably retained. The ball bearings 72 are entrapped within the cylindrical lips 68 for rolling movement in the longitudinal guideways formed between an outer surface of angulated end segments 38 of the lower track 14 and the arcuate surface formed at the internal intersection of side walls 48 and lower horizontal segments 51 of the upper track 16. A cylindrical roller 74 is retained within a central cut-out portion 76 of the retainer body 60 and is in rolling engagement with a planar base segment 26 of the lower track 14 and the upper horizontal segment 46 of the upper track 16.

Claim 1 of the above-captioned application claims a seat track assembly including an inner track adapted to be fixedly secured to a floor of an automotive vehicle and having a flattened bearing surface extending longitudinally along the inner track; an outer track fixedly secured to a seat and slidably coupled to the inner track to allow selective sliding adjustment of the seat relative to the floor of the vehicle, the outer track including an arcuate bearing surface extending longitudinally along the outer track and opposing the flattened bearing surface; and a plurality of cylindrical bearings positioned between the flattened bearing surface of the inner track and the arcuate bearing surface of the outer track to accommodate torsional loading and

movement of the outer track with respect to the inner track while facilitating the selective sliding adjustment of the seat relative to the floor.

The Examiner contends that the '076 reference discloses "the inner track fixedly secured to the floor of vehicle and having a bearing surface, which is flattened bearing surface (30, 34 Fig. 4) extending longitudinally along the inner track for smooth sliding movement between outer track and inner via planar surfaces 64 of the bearing retainer body assembly 58." **Applicant respectfully points out that the horizontal segments 34 of the outwardly-bent flanges 30 on the lower track 14 in the '076 reference are not equivalent to the flattened bearing surfaces (37, 38) in the above-captioned application.** In fact, the horizontal segments 34 of the outwardly-bent flanges 30 on the lower track 14 are not bearing surfaces at all. As previously set forth, the ball bearings 72 are rollingly disposed between the angulated end segments 38 of the lower track 14 and the arcuate surface formed at the internal intersection of the side wall 48 and the lower horizontal segment 51 of the upper track 16. The cylindrical roller 74 is rollingly disposed between the planar base segment 26 of the lower track 14 and the upper horizontal segment 46 of the upper track 16. Thus, the horizontal segments 34 of the outwardly-bent flanges 30 on the lower track 14 are clearly not bearing surfaces.

Additionally, the horizontal segments 34 of the outwardly-bent flanges 30 on the lower track 14 are not contemplated to act as bearing surfaces. The raised planar surfaces 64 of the retainer body 60 are interposed between the upper horizontal segment 46 of the upper track 16 and the horizontal segments 34 of the outwardly-bent flanges 30 on the lower track 14. The raised planar surfaces 64 of the retainer body 60 do not contact the horizontal segments 34 of the outwardly-bent flanges 30 on the lower track 14.

Therefore, since the '076 reference does not disclose the horizontal segments 34 of the outwardly-bent flanges 30 on the lower track 14 acting as bearing surfaces, the combination of the cited references does not disclose an inner track (20) adapted to be fixedly secured to a floor of an automotive vehicle and having a flattened bearing surface (37, 38) extending longitudinally along the inner track (20), as required by amended claim 1 of the above-captioned application.

Further, there is no teaching, suggestion, or motivation to combine the cited references in order to render the subject matter of the claims in the above-captioned application obvious to a person having ordinary skill in the art at the time the invention was made.

Claims 2-14 depend from amended claim 1 and, as such, are construed to incorporate by reference all the limitations of the claim to which they refer, *see* 35 U.S.C. §112, fourth paragraph. Thus, claims 2-14 must be read to include the limitation of an inner track adapted to be fixedly secured to a floor of an automotive vehicle and having a flattened bearing surface extending longitudinally along the inner track.

Therefore, Applicants respectfully request that the rejection of claims 1-14 under 35 U.S.C. §103(a) as being unpatentable over the '504 reference in view of the '076 reference be withdrawn.

It is respectfully submitted that this patent application is in condition for allowance, which allowance is respectfully solicited. If the Examiner has any questions regarding this amendment or the patent application, the Examiner is invited to contact the undersigned.

The Commissioner is hereby authorized to charge any additional fee associated with this Communication to Deposit Account No. 50-1759. A duplicate of this form is attached.

Respectfully submitted,



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